

5.2.100 Hearings Rules of Procedure

Subsections:

- 5.2.120 General Rules of Procedure**
- 5.2.130 Duties of the Presiding Officer**
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5.2.120 General Rules of Procedure

- (A) Public hearings must follow the applicable rules of procedure in SDC 5.1.500 et seq for quasi-judicial public hearings and SDC 5.1.600 et seq for legislative public hearings.
- (B) Except where provided otherwise under this Code or by state statute or rule, all procedural matters will be determined by Robert's Rules of Order Newly Revised, 12th Edition.

5.2.130 Duties of the Presiding Officer

The Chairperson of the Planning Commission is the presiding officer at all hearings before the Planning Commission. The Mayor is the presiding officer at all hearings before the City Council. In the absence of the Chairperson of the Planning Commission, the Vice-Chairperson shall act as the presiding officer at any public hearing. In the absence of the Mayor, the Council President shall be the presiding officer at all hearings before the City Council. The Hearings Officer is considered to be a presiding officer. A presiding officer has the authority to:

- A.** Regulate the course and decorum of the hearing;
- B.** Dispose of the procedural request or similar matters;
- C.** Rule on offers of proof and relevance of evidence and testimony;
- D.** Take other action authorized by the hearing body appropriate for conduct commensurate with the nature of the hearing;
- E.** Impose reasonable time limits on those testifying; and
- F.** Rule upon a challenge for bias, prejudgment, or personal interest under SDC 5.1.545.

5.2.135 Order of Procedure

This version of the code is dated April 6, 2022 and reflects the Planning Commission recommendation with some additional edits. Changes recommended by the Planning Commission have been incorporated into this version. Additional edits made since the Planning Commission's recommendation are shown in track changes. Areas of the code that are highlighted in grey indicated sections that are clearly not applicable outside the city limits, inside the Urban Growth Boundary (UGB).

The order of procedure is the order provided in SDC 5.1.550 for quasi-judicial public hearings, and SDC 5.1.610 for legislative hearings, unless the Hearings Authority provides otherwise by a majority vote.

5.2.145 Record of Proceedings, Evidence and Summary of Testimony

All Public Hearings must be recorded. A summary of all pertinent testimony offered at public hearings will be reduced to writing and made a part of the application file. All physical and documentary evidence presented will be marked to show the identity of the persons offering them and whether presented on behalf of proponent or opponent. These exhibits will be retained by the City until after any applicable appeal period has expired, at which time the exhibits will be released upon demand to the identified person.

5.2.150 Amendments and Suspensions of Rules

Any rule of procedure not required by law may be amended or suspended at any hearing by majority vote of those members present and voting.